

Hoopa Valley Tribe

PROCUREMENT POLICY

CODE OF CONDUCT

A. PURPOSE

The purpose of this statement of Code of Conduct Policy is: To provide for fair and equitable treatment of all persons or firms interested in conducting business with the Tribe. To assure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable prices available to the Tribe. To promote competition in contracting; provide safeguards for maintaining a procurement system of quality and integrity; and assure that purchasing actions are in full compliance with applicable Federal standards and regulations, Tribal and local laws.

B. GENERAL

The Tribe, its employees and agents shall adhere to the following code of conduct, consistent with applicable tribal or local law, and comply with the U.S. Department of Housing and Urban Development's ICDBG/NAHASDA regulations.

C. APPLICATION

This statement of Code of Conduct applies to all contracts for the procurement of equipment, supplies, services and construction entered into by the Tribe. It shall apply to every expenditure of funds by the Tribe for public purchasing, regardless of the source of funds, including contracts that do not involve an obligation of funds (such as concession contracts). However, nothing in this statement shall prevent the Tribe from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law.

When both Federal and non-Federal funds are used for a project, the work to be accomplished with the funds shall be separately identified; and the funding agency's Indian preference regulations must be applied to the work financed by the agency. If it is not possible to separate the funds, then the funding agency's Indian preference regulations shall be applied to the total project.

The term "procurement" as used in this statement, includes both contracts and modifications (including change orders) for construction or services, as well as purchase, lease or rental of supplies and equipment.

Program managers or other authorized designees of the Tribal Council will name a Contracting Officer ("CO") for each procurement action. The Contracting Officer will institute operational procedures to implement this Code. The CO shall also establish a system of sanctions for violations of the ethical standards as described in this Code, consistent with applicable law. The Tribal Council appoints and delegates procurement authority to the CO, who is responsible for ensuring that any procurement procedures

adopted are appropriate for the Tribe and comply with applicable law, regulations, the Tribe's Procurement Policy, and terms of any grant agreement funding a specific procurement activity.

D. CONFLICT OF INTEREST

No employee, officer or agent of the Tribe shall participate directly or indirectly in the selection of, or in the award of, or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

1. An employee, officer, or agent involved in making the award;
2. An employee's, officer's, or agent's relative (including grandfather, grandmother, father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, husband, wife, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister); or
3. An employee's, officer's, or agent's partner; or
4. An organization which employs, is negotiating to employ, or has any arrangement concerning prospective employment of any of the above.

The conflict of interest provision shall not apply in instances where a person who might otherwise be included under the conflict provision is low-income and is selected for assistance in accordance with the Tribe's written policies for eligibility for assistance, provided there is no conflict under applicable Tribal law. The person receiving the assistance must make a public disclosure of the nature of assistance to be provided and the specific basis for the selection of the person. The Tribe shall provide the appropriate funding agency a copy of the disclosure before the assistance is provided to the person.

E. GRATUITIES, KICKBACKS, AND USE OF CONFIDENTIAL INFORMATION

Tribal officers, employees or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts, and shall not knowingly use confidential information for actual personal gain.

F. PROHIBITION AGAINST CONTINGENT FEES

Contractors shall not retain a person to solicit or secure a Tribal contract for a commission, percentage, brokerage, or contingent fee, except for bona fide employees.

G. DISCIPLINARY ACTIONS

It is the responsibility of all Tribal Council members, officers and employees of the Tribe to observe all laws and applicable policies of the Tribe, including this Code and the Procurement Policy.

The procedural sequence for reprimand of a Council member shall be in accordance with Article VII, Section 2 of the Hoopa Valley Tribal Constitution:

1. The Council member shall receive one written warning for a violation of this policy, or violation of other Conflict of Interest/Nepotism laws of the Tribe in relation to procurement;
2. The Council member will receive at least five (5) days written notice of a second violation of this policy; and
3. By at least five (5) affirmative votes of the Council, the Council member shall be removed from office for procurement-related neglect of duty or gross misconduct.

The procedural sequence for reprimand of a Tribal employee shall be:

1. A tribal employee shall receive one verbal warning by the Contracting Officer ("CO"). The CO shall submit written documentation of the verbal reprimand to the Personnel Department for the employee's file. In the case of a manager, the Tribal Chairman or the Tribal Council shall give the verbal warning and submit written documentation of the warning to the Personnel Department.
2. A second occurrence shall result in suspension or termination, depending on the severity of the violation, and notice shall be provided in writing to the employee with copies to the Tribal Chairman and Personnel Department. The CO will determine which of the two disciplinary actions to impose. In the case of a manager, the Tribal Chairman or the Tribal Council will make the determination.

The procedural sequence for reprimand of contractors shall be:

1. The contractor shall receive one written warning from the CO.
2. A second warning shall constitute a violation of the contract and said contract shall be terminated.
3. Contractor will be suspended, debarred or determined ineligible to do business with the Tribe, in accordance with Tribal law or Federal financing agency regulations regarding future contracts.

H. METHOD OF AWARENESS

This Code shall be available to the public on the Tribe's website (<http://www.hoopansn.gov/downloads/downloads.htm>) and upon request, in person or by telephone at (530) 625-4211, from the Fiscal Department, Records Management, and the Office of Tribal Attorney.

Managers shall provide a current copy of this Code to all employees or agents involved in procurement for the Tribe. Managers shall implement operational guidelines for

compliance with this Code and the Procurement Policy, and shall update and instruct their employees annually regarding the department's operational guidelines.

All procurement contracts shall contain a reference to this policy and notice that copies are available upon request.